

SUMMARY OF 1996 CHAPTERED LEGISLATION

FAMILY CHILD CARE HOMES AND
CHILD CARE CENTERS

SECTION I

IMMEDIATE ACTION REQUIRED

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SECTION 1

IMMEDIATE ACTION REQUIRED

AB 1723 (Martinez), Chapter 643/Statutes of 1996

AFFECTS: Family Child Care Homes and Child Care Centers

SUBJECT: Earthquake safety

SUMMARY: This statute adds Section 1596.867 to the Health and Safety (H&S) Code. It requires all child care facilities to include an Earthquake Preparedness Checklist (EPC) as an attachment to the disaster plan required by H&S Code Section 1596.95 (for child care centers) or 1597.54 (for family child care homes). It also requires providers to make the EPC accessible to the public at the facility.

The EPC is primarily an educational tool and is not a requirement for obtaining or keeping a license. In addition, the licensing agency is not responsible for monitoring or enforcing any provision in the EPC--or for ensuring that the EPC is accessible to the public.

Licensees are not required to implement any of the procedures on the EPC. Licensees may, however, choose to implement some or all of the procedures as a way of promoting earthquake safety at the child care site.

IMPLEMENTATION

The licensing agency has no enforcement responsibilities related to this law. Thus, implementation activities are limited to the following:

- o Explain the new law to applicants at orientations and to licensees during site visits.
- o Distribute copies of the attached draft EPC form, Attachment 1, which may be used until an LIC form is developed, at orientations and during site visits. This form is an attachment to the "Emergency Disaster Plan" (LIC 610, LIC 610A and 610A(SP)).
- o Write an advisory note to the licensee if the facility is not maintaining the EPC or making it accessible to the public. (This is optional.) Explain that you are not citing the facility for any licensing violation.

AB 1980 (Figueroa), Chapter 881/Statutes of 1996

AFFECTS: Child Care Centers and Family Child Care Homes

SUBJECT: Inspection reports

SUMMARY: This statute adds Section 1596.859 to the Health and Safety (H&S) Code. Section 1596.859(a) requires each child care facility to make available to the public, at the facility site, licensing reports of facility visits and substantiated complaints against the facility. The facility must keep this information for three years. Only information available in the public file of the licensing agency must be made available to the public at the facility site. (This requirement does not apply to inconclusive complaints. Public information on inconclusive complaints will continue to be available only at the licensing agency.)

Section 1596.859(b) requires the Department, within 30 days after the date specified by the Department for a licensee to correct a deficiency, to provide the licensee with a licensing report or other appropriate document verifying compliance or noncompliance. For good cause, the Department may establish an alternate time frame. The Department must inform the licensee of the alternate time frame, and the reason(s) for the alternate time frame, in writing. The licensee may then make this documentation available to the public.

This law also amends Section 1596.857(d) of the H&S Code, which requires each child care facility to post a notice informing parents and guardians of their rights to inspect the facility and to file a complaint against the facility with the licensing agency. The notice must now also inform parents and guardians of their right to review, at the facility site, licensing reports of facility visits and substantiated complaints. AB 1980 further requires the Department to supply this notice to providers.

IMPLEMENTATION

Until regulations are developed, use the statutory provisions in Sections 1596.859 and 1596.857 as the authority for implementation.

To ensure compliance with Section 1596.859(a):

- Include the following statement at the end of each licensing report of a facility visit and each substantiated complain: "This report must be filed in your facility file for public review." For inconclusive complaints, include a statement to the effect that: "This report is not to be filed in the facility file for public review."
- Check to see that the facility is making a reasonable effort to make copies of licensing reports of facility visits and substantiated (but not inconclusive) complaints available to the public. For example, the facility may maintain a binder of licensing reports of facility visits and substantiated complaints for parents and guardians to review. Unless the licensing program analyst (LPA) believes the facility is not making an effort to comply with Section 1596.859(a), it is not necessary for the LPA to double-check the licensing office's files to ensure the facility is making all required reports available for public review.

To ensure compliance with Section 1596.859(b), provide the licensee with documentation verifying compliance or noncompliance with a plan of correction within 30 days after the date specified by the Department to correct a deficiency. Since this time line is consistent with existing regulations, this requirement is already being routinely met. If it is necessary to extend the time line for good cause, send the licensee a letter documenting the change and the reason(s) for the change

To ensure compliance with Section 1596.857(d), check to see that the licensee has prominently posted a copy of the newly revised LIC 995, "Notification of Parents' Rights," which contains the required information. (A draft of the revised LIC 995, Attachment 2, may be used until the actual revised LIC 995's are printed.) In addition, check to see that the facility is keeping on file the signed copies of the "Acknowledgment of Parents' Rights Notification" (see the bottom portion of the draft of the revised LIC 995). Please also distribute copies of the revised LIC 995 to applicants at orientations.

When it is clear that a licensee is not aware of these new requirements, tell the licensee about the new law and give the licensee a copy of the revised LIC 995. If at subsequent visits the licensee is not making the required documentation available to the public, or has not posted the revised LIC 995 or obtained the signed parental acknowledgments, cite the facility for violation of Section 1596.859(a) or 1596.857(d).

SB 265 (O'Connell) Chapter 18/Statutes of 1996

AFFECTS: Family Child Care Homes

SUBJECT: Family Child Care Home Capacity Increase

SUMMARY: This statute amends Sections 1596.78 (a), (b) and (c) of the Health and Safety Code which pertain to the definitions of a small and large family child care home. The bill increases the maximum capacity of small family child care homes to 8 children and large family child care homes to 14 children.

This bill also adds Sections 1597.44 and 1597.465 to the Health and Safety Code. These sections require that the two additional children be at least 6 years of age; reduce the number of infants that may be present; require landlord notification; specify that an assistant is not required in a small family child care home with 8 children; and require the licensee to notify a parent that the home may care for 8 or 14 children.

IMPLEMENTATION

These guidelines are in addition to the requirements of Sections 102371, 102416.5, 102419 and 102421 of Title 22, Division 12, Chapter 3.

A. APPLICATION

1. Currently Licensed Family Child Care Homes

- a. CCLD will not issue new licenses to family child care homes. Beginning January 1, 1997 licensees may begin to provide care to 8 or 14 children. However, they must meet all the requirements listed on the License Addendum, Attachment 3, and sign the form. This signed form must be maintained with their family child care home license.

During the triennial visit verify that the licensee has met the conditions listed on the addendum if the licensee has a small family child care home providing care for more than 6 children or a large family child care home providing care for more than 12 children.

- b. During the triennial licensing visit licensees must provide proof of property ownership. If they own or are buying the home this is a copy of the deed or property tax statement. If they lease or rent this is a copy of the lease or rental agreement.
- c. During the triennial visit, if the property is leased or rented, the licensee must provide proof that the property owner/landlord has been notified, in writing, that a family child care home is being operated on the premises. The attached form, Attachment 4, may be used for this purpose until an LIC form is developed. A copy of the completed notification form, as mailed to the property owner/landlord, must be maintained in the family child care home with the family child care home license. A copy of this form has been mailed as an attachment to the all family child care home licensee letter.
- d. During the triennial visit, if the property is leased or rented, the licensee must provide proof that he or she has obtained the written consent of the property owner/landlord to provide care for 8 or 14 children. The attached form, Attachment 5, may be used for this purpose until an LIC form is developed. The original of the completed and signed form must be maintained in the family child care home with the family child care home license. A copy of this form has been mailed as an attachment to the all family child care home licensee letter.

If licensees who lease or rent are unable to obtain the written consent of the property owner for the 2 additional schoolage children, they can only have a capacity of 6 or 12 children. Property owner consent for a capacity of 6 or 12 children is not required.

2. New Application

- a. Each applicant must file an LIC Form 279, and all other application documents.

- b. LIC Form 279, Item 3, Type of Application, must be checked "New Application." Item 9, "Type of License," must reflect small or large family child care home and the number of children requested, 8 or 14.
- c. New applicants must be informed at the orientation that proof of control of property must be maintained at the family child care home. If they own or are buying the home, this would be a copy of the property deed or property tax statement. If the property is leased or rented, this would be a copy of the rental or lease agreement.
- d. If the property is leased or rented, the applicant is to be informed at the orientation that they must notify the property owner/landlord, in writing, that they intend to operate a family child care home on the premises. The attached form, Attachment 4, may be used for this purpose, by completing Section A. A copy of the completed notification form, as mailed to the property owner/landlord, must be maintained at the facility with the facility license.
- e. If the property is leased or rented, the applicant must be informed at the orientation that they must obtain written consent from the property owner/landlord to provide care for 8 or 14 children. The attached form, Attachment 5, may be used for this purpose. The original of the completed and signed form must be maintained in the family child care home with the family child care home license. A copy of the completed consent form may be given to the property owner/landlord upon request.
- f. If the property is leased or rented and the applicant can not obtain the written consent of the property owner/landlord for a capacity of 8 or 14 children, applicants must be informed at the orientation they may still provide care for 6 or 12 children. Written consent of the property owner/landlord is not required to provide care for 6 or 12 children.

g. During the orientation applicants must be informed that in order to provide care for up to 8 or 14 children the following conditions must also be met:

1. 2 of the children are at least 6 years of age, and
2. no more than 2 infants are cared for any time more than 6 children are in care, or
3. no more than 3 infants are cared for any time more than 12 children are in care.

B. FEES

1. The application fee for a small family child care home license is \$25.00.
2. The application fee for a large family child care home license is \$50.00.

NOTE: A legislative change will be requested to amend Health and Safety Code Section 1596.803 to reflect the capacity fee for a family child care home of 1 to 8 as \$25.00 and 9 to 14 is \$50.00. However, until this change occurs, small and large family child care home application and annual fees will remain at \$25.00 and \$50.00.

C. FIRE CLEARANCE

Title 22, Division 12, Section 102371, will be revised to require a fire clearance only when a family child care home is licensed for 9 or more children. Until this regulation section is revised, a fire clearance is only required when a family child care home is licensed for 9 or more children.

1. Each licensed large family child care home will not require a new fire clearance to reflect the capacity options of 12 to 14 children.
2. Each new application for a large family child care home will require a fire clearance for the maximum capacity of 14 children.

2. Small family child care homes with a capacity of 6 or 8 children do not need a fire clearance. However, they must have a fire extinguisher and smoke detector device as required by Health and Safety Code Section 1597.45(d).

D. SITE VISIT

1. A site visit is only required prior to the issuance of a new license or when a licensee changes from a small family child care home to a large family child care home.

E. STAFFING RATIOS

Title 22, Division 12, Section 102416.5, will be revised to reflect the new staffing ratios. Family child care homes providing care for 6 or 12 children will follow the current staffing requirements of Section 102416.5(a) and (b). Family child care homes providing care for 8 or 14 children will follow the staffing requirements outlined below. Further, Section 101416.5(c) will be revised to reflect 14 children as the maximum capacity for a family child care home.

<u>CATEGORY</u>	<u>ASSISTANT PROVIDER REQUIRED</u>
<u>SMALL FAMILY CHILD CARE STAFFING RATIOS</u>	
1:8 - two 6 year olds, *2 Infants, 4 preschool children	No
1:8 - all schoolage children (2 at least 6 years old)	No
1:8 - two 6 year olds and 6 preschool children	No

*Whenever more than 6 children are present there can be no more than 2 infants present.

LARGE FAMILY CHILD CARE
STAFFING RATIOS

- | | | |
|--------|---|-----|
| 1:8 - | two 6 year olds, 4 preschool children, 2 infants | No |
| 1:8 - | two 6 year olds, 3 infants
3 preschool children | Yes |
| 1:14 - | *3 infants, two 6 year olds
and 9 preschool children | Yes |
| 1:14 - | two 6 year olds and
12 preschool children | Yes |
| 1:14 - | all schoolage children
(2 at least 6 years old) | Yes |

*Whenever more than 12 children are present there can be no more than 3 infants present.

F. PARENTAL NOTIFICATION

1. Licensees must notify a parent of each child in care, or prior to admitting a child for care, that they may/will be providing care for two additional schoolage children and there may be 8 or 14 children present in the home at one time.
2. This notification must be in writing and signed by the parent acknowledging receipt of the notification. The signed receipt must be retained in each child's record. The attached form, Attachment 6, may be copied and used for this purpose until an LIC form is developed and printed for use.

G. ISSUANCE OF LICENSE

Beginning January 1, 1997 the Licensing Information System will issue new applicants a Small Family Child Care Home license with a capacity of 8; or a Large Family Child Care Home license with a capacity of 14; and add the following language in the comments section of the license, LIC Form 203A, for the capacity options.

1. Capacity for 8 children:

MAXIMUM CAPACITY: 6 children with no more than 3 infants, or 4 infants only, or Capacity 8 children when 2 are at least 6 years of age with a maximum of 2 infants; property owner/landlord consent is required.

2. Capacity for 14 children:

MAXIMUM CAPACITY: 12 children with no more than 4 infants, or Capacity 14 children when 2 children are at least 6 years of age with a maximum of 3 infants; property owner/landlord consent is required.

SB 1695 (Kopp) Chapter 449/Statutes of 1996

AFFECTS: Family Child Care Homes

SUBJECT: Property Owner Notification

SUMMARY: This statute amends Section 1597.40 of the Health and Safety Code to require current and prospective family child care home providers, who reside in rented or leased property, to provide written notice to the landlord or owner of the property that they intend to operate a family child care home on the rented or leased premises. This amendment would also authorize a property owner/landlord to require a family child care home provider to pay an increased security deposit for the operation of the family child care home.

IMPLEMENTATION

Until regulations are developed, use Health and Safety Code Section 1597.40 as your authority for requiring applicants and licensees to maintain provide proof of control of property and a copy of the written notification to the landlord or property owner at the licensed facility.

A. Application for license

1. New applicants for a family child care home license must be advised during the orientation that proof of control of property must be maintained at their facility. If the applicant owns or is buying the home this is a copy of the property deed or property tax statement. If the applicant leases or rents the property a copy of the lease or rental agreement will verify control of property.
2. If the property is leased or rented the applicant must provide written notice to the landlord or property owner that they intend to operate a family child care home on the premises. The attached form, Attachment 4, may be used for this purpose. A copy of the completed form, as mailed to the landlord or property owner, must be maintained with the family child care home license.

B. Current Family Child Care Home Licensees

1. Current family child care home licensees must maintain proof of control of property at their facility. If they own or are buying the home this is a copy of the deed or property tax statement. If the property is leased or rented this is a copy of the lease or rental agreement.
2. If the family child care home is rented or leased, as of January 1, 1997, the licensee must provide written notification to the landlord or property owner that they are operating a family child care home on the premises. This notification must be sent to the landlord or property owner by March 31, 1997 or at the time the annual fee is due, 30 days prior to the anniversary date of the license, whichever is later. The attached form, Attachment 4, may be used for this purpose. A copy of the completed form, as mailed to the property owner or landlord, must be maintained at the facility.

3. A property owner or landlord may file a complaint that the licensee failed to provide them the written notification regarding the operation of a family child care home. If it is determined that the licensee failed to provide the written notification, cite the family child care home licensee for violation of Health and Safety Code Section 1597.40.
4. If a property owner or landlord wants to file a complaint that the licensee has failed to pay an additional increase in the security deposit, they are to be advised that this is not a licensing issue. Failure to pay an additional security deposit is a matter to be settled between the property owner/landlord and the tenant.

SECTION III

INFORMATION ONLY

AB 2050 (Alby), Chapter 235/Statutes 1996

AFFECTS: Child day care facilities

SUBJECT: Expansion of the non-exemptible crimes list

SUMMARY: This law expands section 1596.871 of the Health and Safety Code to prohibit the granting of an exemption where the person is convicted of a prescribed crime involving sexual offenses for which the offender is required to register with state and local police authorities, per section 290 of the Penal Code.

Senate Bill 371 (Rosenthal), Chapter 360/Statutes of 1996

AFFECTS: All Facilities Employing Between 2 - 50 Persons

SUBJECT: Health insurance: small employer coverage

SUMMARY: This statute amends Sections 1357 of the Health and Safety Code and Section 10700 of the Insurance Code, relating to health insurance. Existing law imposes various requirements on health care service plans and insurers with respect to small employer coverage. Plans and insurers that sell coverage to small employers are required to make coverage available to all small employers. This statute would expand the definition of small employers to mean any person, firm, proprietary or nonprofit corporation, partnership, public agency, or association that is actively engaged in business or service, that, on at least 50 percent of its working days during the preceding calendar quarter, employed at least 2 (amended from 3), but no more than 50, eligible employees. The change to 2 employees would apply on and after July 1, 1997. Licensees may wish to contact their insurance carrier to determine if this statute will affect them.

EARTHQUAKE PREPAREDNESS CHECKLIST (EPC) *

Health & Safety Code 1596.876 requires that an Earthquake Preparedness checklist be included as an attachment to the Emergency Disaster Plan (LIC 610, LIC 610A and LIC 610A (SP)) and be made accessible to the public. This form is intended to meet this requirement until an official LIC form is available.

A. Eliminate potential hazards in classrooms and throughout the site:

- ☐ Bolt bookcases in high traffic areas securely to wall studs
- ☐ Move heavy books and items from high to low shelves
- ☐ Secure and latch filing cabinets
- ☐ Secure cabinets in high traffic areas with child safety latches
- ☐ Secure aquariums, computers, typewriters, TV-VCR equipment to surfaces, such as by using Velcro tabs
- ☐ Make provisions for securing rolling portable items such as TV-VCRs, pianos, refrigerators
- ☐ Move children's activities and play areas away from windows, or protect windows with blinds or adhesive plastic sheeting
- ☐ Secure water heater to wall using plumber's tape
- ☐ Assess and determine possible escape routes

B. Establish a coordinated response plan involving all of the following:

Children:

- ☐ Teach children about earthquakes and what to do (see resource list below)
- ☐ Practice "duck, cover, and hold" earthquake drills under tables or desks no less than 4 times a year

Parents:

- ☐ Post, or make available to parents, copies of the school earthquake safety plan (including procedures for reuniting parents or alternate guardians with children, location of planned evacuation site, method for leaving messages and communicating)

- ☐ Enlist parent and community resource assistance in securing emergency supplies or safeguarding the child care site:

- ☐ Store a 3-day supply of non-perishable food (including juice, canned food items, snacks, and infant formula)
- ☐ Store a 3-day supply of water and juice
- ☐ Store food and water in an accessible location, such as portable plastic storage containers
- ☐ Store other emergency supplies such as flashlights, a radio with extra batteries, heavy gloves, trash bags, and tools
- ☐ Maintain a complete, up-to-date listing of children, emergency numbers and contact people for each classroom stored with emergency supplies

C. Child care personnel and local emergency agencies:

- ☐ Identify and assign individual responsibilities for staff following an earthquake (including accounting for and evacuating children, injury control, damage assessment)
- ☐ Involve and train all staff members about the earthquake safety plan, including location and procedure for turning off utilities and gas
- ☐ Contact nearby agencies (including police, fire, Red Cross, and local government) for information and materials in developing the child care earthquake safety plan

*For more free resources contact:

- (1) Federal Emergency Management Agency (FEMA)
- (2) Office of Emergency Services (OES)
- (3) Red Cross

NOTIFICATION OF PARENTS' RIGHTS

INSTRUCTIONS:

This form is intended to meet the requirements of California Health and Safety Code Sections 1596.857 and 1596.859, which pertain to the right(s) of parents or guardians to inspect the child care facility their child attends. The facility is required to:

1. Post this notice in a prominent place.
2. Make sure the child's parent(s) or guardian(s) completes and signs the acknowledgment at the bottom portion of this form.
3. Detach the signed parental acknowledgement and file it in the child's record--and give the child's parent(s) or guardian(s) the top portion of this form.

PARENTS' RIGHTS

1. Parents/guardians, upon presentation of identification, have the right to enter and inspect the child care facility their child attends without advance notice to the provider. This right can only be exercised during the facility's normal operating hours or at any time that the child is receiving care in the facility.
2. Parents/guardians have the right to file a complaint against the facility with the licensing agency.
3. Parents/guardians have the right to review, at the facility site, licensing reports of facility visits and substantiated complaints against the facility. The facility is not required to keep this information beyond three years. Only information available in the public file of the local licensing agency is to be made available to parents/guardians at the facility. Public information on inconclusive complaints is only available at the local licensing office.
4. The law prohibits discrimination or retaliation against any child or parent/guardian should the parent/guardian choose to exercise his or her right to inspect the facility or to file a complaint against the facility.
5. The law requires that parents/guardians be informed of their rights (see Nos. 1, 2 and 3 above).
6. The law requires that this notice be posted in the facility in a location accessible to parents/guardians.
7. The law authorizes the person in charge of the child care facility to deny access to a parent/guardian if:
 - a) The parent/guardian is behaving in a way that poses a risk to children in the facility. OR:
 - b) The adult is a noncustodial parent, and the custodial parent has requested the facility in writing not to permit access to the noncustodial parent.

ACKNOWLEDGMENT OF PARENTS' RIGHTS NOTIFICATION

This will acknowledge that I/we, the parent(s)/guardian(s) of _____, have received a copy of "PARENTS' RIGHTS" from the licensee or authorized representative of:

(Name of Facility)

Signature of Parent(s)/Guardian(s)

Date

NOTE: This form must be kept in the child's file.

FAMILY CHILD CARE LICENSE ADDENDUM

A small family child care home may care for 6 children. May care for up to 8 children, without an additional adult attendant, if all the following conditions are met:

- Two of the children are at least 6 years of age.
- If the licensee is caring for more than 6 children, only 2 may be infants.
- The licensee notifies all parents that they will be caring for 2 additional schoolage children and that there may be up to 7 or 8 children in the home at one time.
- The licensee obtains the written consent of the property owner or landlord if they are renting or leasing their home.

A large family child care home may care for 12 children. May care for up to 14 children if all the following conditions are met:

- An assistant care provider is on hand whenever more than 8 children are in care.
- Two of the children are at least 6 years of age.
- If the licensee is caring for more than 12 children, only 3 may be infants.
- The licensee notifies all parents that they will be caring for 2 additional schoolage children, and that there may be up to 13 or 14 children in the home at one time.
- The licensee obtains the written consent of the property owner or landlord if they are renting or leasing their home.

I CERTIFY I HAVE MET THE ABOVE CONDITIONS

MARTHA LOPEZ, DEPUTY DIRECTOR
COMMUNITY CARE LICENSING DIVISION

(LICENSEE'S SIGNATURE)

STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES**COMMUNITY CARE LICENSING DIVISION**

**FAMILY CHILD CARE HOME
PROPERTY OWNER/LANDLORD NOTIFICATION**

Property owner notification for all leased or rented properties, required by Health and Safety Code Section 1576.40(d), to be completed by Family Child Care Home applicants and licensees. This notification is to advise you as owner or landlord of the property located at

_____ that
(print facility address)

_____ is currently
(print applicant's/licensee's name)

or will be operating a licensed family child care home at this address.

The sole purpose of this notice is to advise you of the current use or intended use of the above property. The property owner/landlord is prohibited by law from imposing any direct or indirect restrictions on, or prohibitions against, the tenant's operation of the family child care home on the rental property.

(applicant/licensee signature)

(date)

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES**COMMUNITY CARE LICENSING DIVISION**

**FAMILY CHILD CARE HOME
PROPERTY OWNER/LANDLORD CONSENT FORM**

Property owner/Landlord consent for family child care home applicants and licensees who wish to provide child care for 2 additional schoolage children, required by Health and Safety Code Sections 1597.44(d) and 1597.465(d):*

I _____ give my consent for
(print property owner/landlord name)

_____ who resides at
(print applicant/licensee's name)

_____ to care for 2 additional
(print facility address)
schoolage children.

_____ (property owner/landlord signature) _____ (date)

*If you do not provide care for two additional schoolage children, for a licensed capacity of either 8 or 14 children, property owner consent is not required.

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES

COMMUNITY CARE LICENSING DIVISION



**PARENT NOTIFICATION
ADDITIONAL CHILDREN IN CARE**

As required by Health and Safety Code Sections 1597.44(c) and 1597.465(c), you are hereby advised that: (Check one)

/ / I am licensed as a Small Family Child Care Home and may provide care for a maximum of 8 children.

/ / I am licensed as a Large Family Child Care Home and may provide care for a maximum of 14 children.

(print facility address)

(cut along dotted line)

RECEIPT OF PARENT NOTIFICATION

I acknowledge receipt of the notification that this family child care home will/may be providing care to 8 or 14 children.

(parent signature)

(date)

*Maintain this signed receipt in each child's record.